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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,435	07/30/2001	Morio Yoshimoto	1163-0350P	1777

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EXAMINER	
RAMAKRISHNAIAH, MELUR	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,435	YOSHIMOTO ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-20 and 23-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-20 and 23-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9-1-05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-28-2005 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6-15, 18-20, 23-35, 36-38, 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi et al. (JP06-165173, hereinafter Yasushi) in view of Toshiaki (JP08-275132).

Regarding claim 1, Yasushi discloses a video encoding/transmitting device (16, Drawing 2) for motion picture comprising: a medium encoding means (161, Drawing 2) for object encoding a complete video of a natural scene supplied from outside (for example camera 11, Drawing 2) a transmission stream composite means (42, Drawing 3) for combining part or all of objects encoded by medium encoding means, with an object which is different from object of the video signal supplied from outside, and object-encoded and stored in the video encoding and transmitting device (46, Drawing

3) in advance, and stream transmitting means (41, Drawing 3) for transmitting video data combined by the transmission composite means (abstract; paragraphs: 0005 – 0019; Drawings: 1-4).

Regarding claim 18, Yasushi discloses a video receiving/decoding means for motion picture comprising: a stream receiving means (41, Drawing 3) for receiving object-encoded and complete video data, a received stream composition means (42, Drawing 3) for combining a part or all of objects in the video data received by the stream receiving means, with an object (reads on stored background image 46, Drawing 3) which is object-encoded in advance, and decoding means (161, Drawing 2) for decoding the video data combined by the received stream composite means (abstract; paragraphs: 0005 – 0019; Drawings: 1-4).

Regarding claim 36, Yasushi discloses a video transmitting/receiving device for motion picture, comprising: a transmission processing unit having: a medium encoding means (161, Drawing 2) for object encoding either or both of a complete video signal of a natural scene and an audio signal supplied from the outside, a transmission stream composite means (42/44, Drawing 3) for combining a part or all of objects encoded by the medium encoding means , with an object which is object-encoded and stored in the transmission processing unit in advance (46, Drawing 3), and the stream transmitting means for transmitting eiher or both of video data and audio data combined by the transmission stream composite means, and a reception processing means having a stream receiving means (41, Drawing 3) for receiving either or both of natural and complete video data and audio data which are object encoded, a received stream

composite means (42/44, Drawing 3) for combining an object in either or both of the video data and audio data received by the stream receiving means, with an object which is object encoded in advance, and a medium decoding means (161, Drawing 2) for decoding either or both of the video data and audio data by the received stream composite means (abstract; paragraphs: 0005 – 0019; Drawings: 1-4).

Yasushi differs from the claimed invention in that he does not teach video and audio processing carried out at one location in place of distributed processing.

However, Toshiki disclose two way image transmission conversation system which teaches the following: video and audio processing carried out at one location (drawings: 1-2; abstract; paragraphs: 0008 – 0083).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Yasushi's system provide for the following: video and audio processing carried out at one location as this arrangement would facilitate implementation of audio and video processing at one location as taught by Toshiki, thus facilitating alternative implementation of the processing system.

Claims 37 and 38 have limitations similar to claim 36 and they are rejected on the same basis as set forth in the rejection of claim 36.

Regarding claims 2-3, 6-15, 19-20, 23-33, 39-43, Yasushi further teaches the following: stream storage means (46, Drawing 3) for storing objects which are encoded in advance, as a background, the transmission stream composite means (42, Drawing 3) combines video data, which is output from stream storage means with video data encoded by the medium encoding means (161, Drawing 2), control means (15, Drawing

2) for controlling transmission means composite means in accordance with a communication destination, voice synthesizing means (44, Drawing 3) for synthesizing an audio signal supplied from outside with an audio signal which is obtained in advance (for example from storage 47, Drawing 3), wherein the stream transmitting means (41, Drawing 3) transmits audio data corresponding to audio signal synthesized by the voice synthesizing means, together with video data, wherein transmission stream composite means combines audio data corresponding to the audio signal synthesized by the voice synthesizing means with video data, transmission stream composite means (42, Drawing 3) reads on object which is object-encoded in advance from the stream storage means (46, Drawing 3), audio data is output from the stream storage means (47, Drawing 3), stream storage means (46/47, Drawing 3) stores either or both video data and audio data, which are object-encoded in advance, voice synthesizing means (reads on 44, Drawing 3) for synthesizing an audio signal supplied from the outside with an audio signal which is obtained in advance, wherein the transmission stream composite means (42/44, Drawing 3) combines audio data corresponding to the audio signal synthesized by the voice synthesizing means, with video data obtained from the stream storage means (46, Drawing 3), control means (15, Drawing 2) selects an object from the stream storage means (46, Drawing 3), in which plurality of object-encoded objects are stored, according to communication destination/date/time, received stream composite means (42, Drawing 3) combines video data as a background, which is output from the stream storage means (46, Drawing 3), with the video data received by the stream receiving means, the received stream composite means combines an object

corresponding to a person part, which is received by the stream receiving means (41, Drawing 3), with an object corresponding to a background part, which is object encoded in advance, a control means for controlling the received stream composite means in response to a source (15, Drawing 2), stream receiving means (41, Drawing 3) receives audio data with the video data, and the video receiving/decoding means comprises voice synthesizing means (reads on 44, Drawing 3) for synthesizing an audio signal corresponding to the audio data received by stream receiving means, with an audio signal which is obtained in advance, video receiving decoding device further comprises a voice synthesizing means for synthesizing an audio signal received from the stream receiving means (41, Drawing 3) with an audio signal which is obtained in advance, the received stream composite means (42/44, Drawing 3) combines audio data corresponding to the audio signal synthesized by voice synthesizing means (reads on 44, Drawing 3) with audio data, received stream composite means (42, Drawing 3) reads on object which is object-encoded in advance , from stream storage means (46, Drawing 3), audio data is output from the stream storage means (47, Drawing 3), stream storage means (46/47, Drawing 3) stores either or both video data and audio data, which is object encoded in advance, video receiving/decoding device (41, Drawing 3) further comprises a voice synthesizing means (reads on 44, Drawing 3) for synthesizing an audio signal received from the stream receiving means with an audio signal which is obtained in advance, the received stream composite means (42/44, Drawing 3) combines audio data corresponding to the audio signal synthesized by the voice synthesizing means (reads on 44, Drawing 3) with the video data which is output

from the stream storage means (46, Drawing 3), accumulates the combined audio data and video data in a stream storage means, control means (15, Drawing 2) selects an object output from the stream storage means (46, Drawing 2), in which plurality of object encoded objects are stored, according to communication destination, transmission stream composite means (42, Drawing 3) further includes means for supplying a part of the objects encoded, all of the objects encoded or the combined video data to a stream transmitting means (41, Drawing 3), the stream transmitting means transmitting supplied video data by the transmission stream composite means, the received stream composite means (42, Drawing 3) further includes means for supplying a part of the object encoded, all of the object encoded, or the combined video data to a medium decoding means (161, Drawing 2) decodes the video data supplied from the received stream composite means (abstract; paragraphs: 0005 – 0019; Drawings: 1-4).

3. Claims 16-17, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasushi in view of Toshiaki as applied to claims 1, 18 above, and further in view of Aharoni et al. (US PAT: 6,014,694, hereinafter Aharoni).

The combination differs from claims 16-17 and 34-35 in that it does not teach the following: video data and audio data encoded by means of MPEG-4.

However, Aharoni discloses system for adaptive video/audio transport over a network which teaches the following: video data and audio data encoded by means of MPEG-4 (fig. 1, col. 6 lines 46-60).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: video data

and audio data encoded by means of MPEG-4 as this arrangement would enable encoding audio and video by well known standard compression standard as is well known in the art and as taught by Aharoni.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 6-20, 23-43 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643